REMARKS/ARGUMENTS

This Amendment responds to the Office Action dated December 13, 2007, in which the Examiner rejected claims 47-65 under 35 U.S.C. § 103.

As indicated above, the claims have been amended for stylistic reasons. The amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claims.

Claims 47, 57, and 61 claim a method of transferring (requesting) media data over a network, claim 53 claims a method of receiving media data and claim 63 claims a method of remotely determining a media player configuration of a device. The methods include (a) storing media player data information in one or more cookies, (b) verifying the cookies have valid settings, (c) sending an acknowledgment indicating that the cookies are sufficient to format the requested media data, and (d) fetching the requested media data including sending the cookies with the fetch request.

By verifying the cookies have valid settings and sending an acknowledgment indicating that the cookies are sufficient to format the requested media data as claimed in claims 47, 53, 57, 61 and 63, the claimed invention has the media content formatted according to the configuration information which is compatible with the client's configuration. The prior art does not show, teach or suggest the invention as claimed in claims 47, 53, 57, 61 and 63.

Claims 47-65 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hegde, et al.*(U.S. Patent No. 6,925,495), in view of *Doty, Jr., et al.*(U.S. Patent No. 6,795,863) and further in view of *Florschuetz* (U.S. Patent No. 6,601,009).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be

set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the

claims and allows the claims to issue.

Hegde, et al. appears to disclose a requesting device 510 request content from content

delivery network (CDN). The CDN 520 receives the content request and attempts to assemble

the content based on instructions from original server 530. When the requested content is

available, CDN 520 delivers the requested content to requesting device 510 (Col. 9, lines 11-21).

Basic operating attributes inquiry system 600 determines a requesting device's basic

configuration including the operating system, browser and media player used by the requesting

device. The server 605 communicates with the requesting device and receives basic

configuration information in return (Col. 10, lines 1-6).

Thus, Hegde, et al. merely discloses (a) receiving a content request and returning

information and (b) a server which receives basic configuration information about the requesting

device. Nothing in Hegde, et al. shows, teaches or suggests (a) storing media player information

in one or more cookies at the client side, (b) verifying the cookies to have valid settings, (c)

sending an acknowledgment indicating that the cookies are sufficient format the requested media

data, (d) the cookies also describe a connection speed and preferred connection speed, (e)

fetching the requested media data including sending the cookies with the fetch request as claimed

in claims 47, 53, 57, 61 and 63. Rather, Hegde, et al. only discloses receiving a content request

and assembly thereof and receiving basic configuration information from the requesting device.

Doty, Jr., et al. appears to disclose a first detection that is performed which determines if

the user has a correct plug-in to be able to view a website. The smart pages first determine

which browser is being used which allows determination of whether or not the player plug-ins

are present. If the plug-ins are missing, the user is sent to a smart download page that walks

them through installing the software they need. If plug-ins are present, the user is sent to the

next stage of the auto-detection which is for multicast ability. The user is then sent a short

streaming media file to determine if they are able to receive multicast signals. A cookie is set

recording user settings up to this point. The user is then sent to a smart bandwidth detection

page which is done each time user visits the website. A cookie is not set in order to allow a user

to see the best possible video based on the connection (Col. 7, lines 8-34).

Thus, *Doty, Jr., et al.* only discloses setting a cookie indicating if the user can receive

multicast signals. Nothing in *Doty, Jr., et al.* shows, teaches or suggests (a) verifying the cookies

have valid settings and (b) sending an acknowledgment indicating that the cookies are sufficient

to format the requested media data as claimed in claims 47, 53, 57, 61 and 63. Rather, *Doty, Jr.,*

et al. only discloses that the cookies are set recording the user settings for the received multicast

signals. Nowhere in *Doty, Jr., et al.* is it shown, taught or suggested that the cookies are verified

to have valid settings and an acknowledgement is sent indicating that the cookies are sufficient to

format the requested media data.

Florschuetz appears to disclose placing different hyperlinks corresponding to different

possible internet connection bandwidths on an appropriate web page. Each hyperlink when

activated (clicked) sends information about a user's bandwidth. Optimally, the content provider

server could set a cookie on the user's computer defining the bandwidth of the user's internet

connection (Col. 3, lines 18-42).

Thus, *Florschuetz* merely discloses setting a cookie to define the bandwidth of the user's

internet connection. Nothing in *Florschuetz* shows, teaches or suggests (a) verifying that the

cookie has valid settings and (b) sending an acknowledgment indicating that the cookies are

sufficient to format the requested media data as claimed in claims 47, 53, 57, 61 and 63. Rather,

Florschuetz merely discloses storing a cookie to indicate the user's internet connection bandwidth.

A combination of *Hegde, et al.*, *Doty, Jr., et al.*, and *Florschuetz* would merely suggest that when content is requested, assembling the content and determining the basic configuration information of the requesting device as taught by *Hegde, et al.*, setting a cookie recording the ability of the user to receive multicast signals as taught by *Doty, Jr., et al.* and to set a cookie indicating the user's bandwidth as taught by *Florschuetz*. Thus, nothing in the combination of the references shows, teaches or suggests (a) verifying the media player information in the cookies to have valid settings and (b) sending an acknowledgment indicating that the media player information in the cookies are sufficient to format the requested media data as claimed in claims 47, 53, 57, 61 and 63. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 47, 53, 57, 61 and 63 under 35 U.S.C. § 103.

Claims 48-52, 54-56, 58-60, 62 and 64-65 depend from claims 47, 53, 57, 61 and 63 and recite additional features. Applicant respectfully submits that claims 48-52, 54-56, 58-60, 62 and 64-65 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hegde, et al.*, *Doty, Jr., et al.* and *Florschuetz* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 48-52, 54-56, 58-60, 62 and 64-65 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

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CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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